

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAFA AL-ZUAD,

Plaintiff,

Case No. 19-cv-11082
Hon. Matthew F. Leitman

v.

CITY OF DEARBORN, *et al.*,

Defendant.

/

ORDER GRANTING PLAINTIFF LEAVE TO AMEND ITS COMPLAINT

On April 15, 2019, Plaintiff Safa Al-Zuad filed this civil-rights action against the City of Dearborn, several unnamed “John Doe” police officers employed by the City of Dearborn, and his neighbor Robert Lewis Cleveland. (*See* Compl., ECF #1.) On June 12, 2019, Cleveland moved to dismiss Al-Zaud’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Cleveland Mot., ECF #6.) Cleveland argues, among other things, that the Complaint does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to state a plausible claim under the Supreme Court’s decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). (*See id.*) On June 18, 2019, the City of Dearborn also filed a motion to dismiss in which it argued that the Court “must” dismiss the Complaint because Al-Zaud “fail[ed] to do much more than provide ‘bare assertions’ that amount to nothing more than an ‘unadorned, the-defendant-unlawfully-harmed-me accusation.’” (City of Dearborn Mot., ECF #7 at Pg. ID 67, quoting *Iqbal*, 556 U.S. at 678, 681.)

Without expressing any view regarding the merits of the motions to dismiss, the Court will grant Al-Zuad the opportunity to file a First Amended Complaint in order to remedy the purported pleading defects in the Complaint. The Court does not anticipate allowing Al-Zuad another opportunity to amend to add factual allegations that he could now include in its First Amended Complaint. Simply put, this is Al-Zuad's opportunity to allege any and all additional facts, currently known to him, that may cure the alleged pleading deficiencies in the Complaint.

By **July 3, 2019**, Al-Zuad shall notify the Court and Defendants in writing whether he will amend the Complaint or respond to the motions to dismiss. If Al-Zuad provides notice that he will be filing a First Amended Complaint, he shall file that amended pleading by no later than **July 19, 2019**, and Defendants shall answer or otherwise respond to it by no later than **August 19, 2019**. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice Defendants' currently-pending motions to dismiss as moot. If Al-Zuad provides notice that he will not be filing a First Amended Complaint, Al-Zuad shall file his responses to the pending motions to dismiss in time period allowed by the Court's Local Rules.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 19, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 19, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764